

# Legislative Reference Service

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Week Ending 1/28/05

NO. 1

## CODE ENFORCEMENT

**H-5013 FIRE SAFETY CODE** (Gemma & Others) This act would eliminate those provisions in the Rhode Island Fire Safety Code that presently limit the display of teaching materials and artwork on classroom walls in school buildings. Corporations

**H-5159 FIRE SAFETY CODE** (Gemma & Others) This act would eliminate those provisions in the Rhode Island Fire Safety Code that presently limit the display of teaching materials and artwork on classroom walls in school buildings. Corporations

**S-79 SEWER/DRAINLAYER INSTALLERS** (Badeau) This act would establish a licensing procedure for individuals engaged in the installation, repair, alteration or replacement of sewer lines, storm drainage lines or water lines and services. Labor

**S-134 FIRE SAFETY CODE** (Sosnowski & Others) This act would eliminate those provisions in the Rhode Island Fire Safety Code that presently limit the display of teaching materials and artwork on classroom walls in school buildings. Commerce, Housing & Municipal Government

## **EDUCATION & SCHOOLS**

**H-5004 STATEWIDE TEACHER CONTRACTS** (Gorham) This resolution would create a 9-member special House commission whose purpose it would be to study the feasibility of statewide teacher contracts, including salary and benefits, for all public school teachers in the State of Rhode Island. Finance

**H-5038 TARGETED SCHOOL AID** (Corvese) This act would change the district requirements for eligibility for targeted school aid. Finance

**H-5070 ART HIGH SCHOOLS** (Kilmartin & Others) This act would provide that the General Assembly annually appropriate \$3,000,000 to any school district that creates an art high school. Finance

**H-5071 SCHOOL FOR THE ARTS** (Kilmartin & Others) This act would establish a school for pre-professional training in the performing, visual, literary and media arts. Finance

**H-5072 SCHOOL AID: GROUP HOMES** (Savage & Others) This act would require the state to appropriate to the cities and towns \$25,000 for each bed in a group home or residential facility. Finance

**H-5086 SCHOOL BUSES** (Corvese & Others) This act would prevent school buses from using their strobe lights when the bus is moving. H.E.W.

**H-5125 VOCATIONAL EDUCATION** (Gorham & Others) This act would require the state to annually pay for the tuition and related costs for students attending an elementary or secondary vocational education school. The payments would be made directly to the respective schools. Finance

**H-5131 CHARTER PUBLIC SCHOOLS** (Savage & Others) This act would require that, in the creation of charter schools, the application submitted to the commissioner and the local school committee, pursuant to the creation of such a school, would include a description of a plan that would include measurable student academic goals. H.E.W.

**H-5182 STUDENT VISION EXAMINATIONS** (Naughton & Others) This act would require the Department of Health to establish a school vision-testing program for children ages 3 to 6, who are entering a publicly funded pre-kindergarten or kindergarten program for the first time. H.E.W.

**H-5185 SCHOOLTEACHERS' ARBITRATION** (McHugh) This act would preclude any person who is employed by any Rhode Island public school district or department from participating on any school committee negotiating team. H.E.W.

**H-5197      MINIMUM SALARY SCHEDULE** (SanBento & Gallison) This act would provide that communities, that have established a salary supplement for teachers obtaining a national board for professional teachers standards certificate, shall also provide the same salary supplement to personnel holding a certificate of clinical competence issued by the American Speech-Language Hearing Association. H.E.W.

**H-5199      SCHOOL HEALTH PROGRAM** (Naughton & McNamara) This act would expand municipal school health programs by requiring such programs to include policies dealing with physical education and nutrition. These policies would include, but not be limited to, the prohibition of carbonated soda and high-fat and/or high-sugar snack vending machines. H.E.W.

**H-5200      TRANSPORTATION OF SCHOOL PUPILS** (Melo & Others) This act would make the requirement for school bus monitors under this chapter optional, as opposed to mandatory under current law. H.E.W.

**H-5201      DIESEL BUS IDLING STANDARDS** (McNamara & Others) This act would regulate the idle times of diesel powered buses and would establish fines for violations of the regulation. H.E.W.

**H-5202      SCHOOL BUS IDLING** (McNamara & Others) This act would provide that the operator of a school bus shall not operate the engine of any school bus for more than 3 consecutive minutes when the bus is not in motion. H.E.W.

**H-5210      MINIMUM SALARY SCHEDULE** (SanBento & Others) This act would provide that any licensed speech language pathologist who has met the requirements and acquired a Certificate of Clinical Competence from the American Speech-Language-Hearing Association, and who is employed by a school district, would be entitled to receive an annual salary supplement of \$3,500 in addition to any other compensation to which the employee may be entitled. Finance

**H-5216      CHARTER PUBLIC SCHOOLS** (Gallison & Others) This act would require that funding for charter public schools be approved by the voters of each local district at either a regularly scheduled financial town meeting or budget meeting. Finance

**S-5            SCHOOL-TO-CAREER PROGRAM** (Tassoni & Others) This act would provide a tax credit of 10% of the expenses, up to \$200, to private businesses which participate in a "Qualified School-to-Career Program". Finance

**S-16          SPECIAL EDUCATION FUND** (Tassoni & Others) This act would require the state to provide funding for the special education needs of a child who moves into a city/town after the school committee adopts its budget for the school year. Any additional funding would apply to that school year only. Finance

**S-54 FUNDRAISING IN PUBLIC SCHOOLS** (Polisena) This act would provide that the prohibitions against commercial activity and fundraising in schools would not prohibit the imposition of a reasonable fee in connection with off-campus field trips sponsored by the school, school district or local parent-teacher association. Education

**S-87 VOCATIONAL EDUCATION** (Fogarty & Others) This act would require the state to annually pay for the tuition and related costs for students attending an elementary or secondary vocational education school. The payments would be made directly to the respective schools. Finance

**S-98 CHARTER PUBLIC SCHOOLS** (Gallo & Others) This act would require that, in the creation of charter schools, the application submitted to the commissioner and the local school committee, pursuant to the creation of such a school, would include a description of a plan that would include measurable student academic goals. Education

### **ELECTIONS**

**S-106 LOCAL CANVASSING AUTHORITIES** (Felag & Others) This act would allow officers and employees of a city/town to serve as a member of a local canvassing authority in a city/town where they are not employed. Judiciary

### **ENVIRONMENT**

**H-5111 LEAD HAZARD MITIGATION** (McHugh) This act would exempt from compliance with certain lead hazard mitigation requirements property owners who rent 3 or fewer dwelling units. Corporations

**H-5112 LEAD HAZARD MITIGATION** (McHugh) This act would exempt from compliance with certain lead hazard mitigation requirements owners of property which is rented fewer than 90 days per year. Corporations

## **FINANCE & TAXATION**

**H-5034 SCHOOL AID** (Corvese) This act would require the state to provide aid to the several cities and towns for the cost of education on a graduated basis. Finance

**H-5039 EXEMPT PROPERTY** (Corvese) This act would exempt emissions inspection equipment mandated by law and used by emission inspector stations from taxation. Finance

**H-5063 STATE MANDATES** (Kilmartin & Others) This act would delay, for one calendar year, the effective date of any regulation if it has a fiscal impact on a municipality or school district. Finance

**H-5078 EXCISE TAX PHASE-OUT** (Giannini & Others) This act would reinstate the excise tax phase-out on motor vehicles. Finance

**H-5115 MOTOR FUEL TAX** (Winfield & Others) This act would stop the tax collection on fuel used by municipalities for the operation of stationary engines and motor vehicles which are not registered for use on public highways. Finance

**H-5127 SCHOOL AID** (Gorham & Others) This act would provide for an annual minimum 5% increase in state aid to education. Finance

**H-5129 LOCAL MEALS AND BEVERAGE TAX** (Gorham & Others) This act would repeal the 1% local meals and beverage tax. Finance

**H-5139 STATE AID** (Pacheco & Others) This act would repeal adjustments to tax levy when computing state aid. Finance

**H-5170 STATE AID TO LIBRARIES** (Fox & Others) This act would provide that all libraries that receive state aid shall be subject to the open meetings law. Finance

**H-5222 POST EMPLOYMENT BENEFITS** (Kilmartin) This resolution would create a 13-member special legislative commission which purpose it would be to study the impact of the Government Accounting Standards Board's rules and regulations regarding other post employment benefits. Read & Passed

**S-18 STATE AID** (Fogarty & Others) This act would repeal adjustments to tax levy when computing state aid. Finance

**S-34 SCHOOL AID** (Walaska & Others) This act would set a deadline for the appropriation of state aid to education for the various cities and towns. Finance

**S-61 VETERANS' EXEMPTIONS** (Blais & Others) This act would grant veterans of the Iraqi conflict a property tax exemption. Finance

**S-64 SCHOOL AID** (Fogarty & Others) This act would provide for an annual minimum 5% increase in state aid to education. Finance

**S-82 INDEBTEDNESS OF TOWNS AND CITIES** (Bates & Others) This act would clarify and expand the criteria for the issuance of bonds for cities and towns. Finance

**S-144 LOCAL MEALS AND BEVERAGE TAX** (McCaffrey & Others) This act would exempt food and beverages served on a "take-out" or "to-go" basis from the local meals and beverage tax. Finance

### **LABOR RELATIONS**

**H-5178 LABOR RELATIONS BOARD** (Faria) This act would require that, of the 3 members appointed to the Labor Relations Board that represent management, one be appointed from a list of 3 recommendations from the Rhode Island League of Cities and Towns. Labor

**S-129 FIREFIGHTERS' ARBITRATION** (Lanzi & Others) This act would provide that all contractual benefits conferred under an existing contract would continue until a new agreement is reached through arbitration or by agreement between the parties. Labor

### **LIQUOR CONTROL & LICENSES**

**H-5113 ALCOHOL VAPORIZING DEVICES** (McNamara & Others) This act would prohibit the sale, possession or use of alcohol vaporizing devices. Judiciary

**S-76 ALCOHOLIC BEVERAGES** (Raptakis & Others) This act would require that alcoholic beverage server training programs required for licensing purposes be recognized by the State Department of Business Regulation. Constitutional & Gaming Issues

**S-81 HOLIDAY BUSINESS** (Badeau & Others) This act would provide that retail establishments, unless exempted, would not be open on Christmas, but could be open on Sundays and other holidays. Labor

**S-99 ALCOHOLIC BEVERAGES** (Raptakis & Others) This act would designate alcohol server training programs, which have existed for 5 years or more as acceptable for Rhode Island alcohol server programs. Constitutional & Gaming Issues

## **PLANNING & ZONING**

**H-5155      LOW AND MODERATE INCOME HOUSING** (Kennedy & Others) This act would provide that any decision or order of the State Housing Appeals Board regarding substantial completeness of an application may be appealed to the Supreme Court. Corporations

**S-11          LOW AND MODERATE INCOME HOUSING** (Tassoni & Others) This act would provide that any decision or order of the State Housing Appeals Board regarding substantial completeness of an application may be appealed to the Supreme Court. Commerce, Housing & Municipal Government

**S-110        DEVELOPMENT IMPACT FEES** (Raptakis & Others) This act would allow cities and towns to assess an impact fee for the impact on education resulting from low and moderate income housing construction. Finance

**S-111        DEVELOPMENT IMPACT FEES** (Raptakis & Others) This act would provide housing bonus to school districts to offset increased education expenses resulting from the development of low or moderate income housing units. The amount of the bonus would be in the amount of \$1,250 for each such unit. This act would also allow cities and towns to assess an impact fee for the impact on education resulting from low and moderate income housing construction. Finance

## **PUBLIC SAFETY**

**H-5015      CHILDREN UNATTENDED** (Carter & Others) This act would make it a criminal offense to leave a child under the age of 12 unattended at a place of public accommodation or in a motor vehicle for a period of time that presents a substantial risk to the child's health or safety, and would delete a section of law which would have previously provided for a warning only in similar situations. Judiciary

**H-5029      VOLUNTEER FIREFIGHTER SAVINGS ACCOUNTS** (Gorham & Long) This act would permit a volunteer firefighter to be allowed a deduction of a maximum of \$500 when contributing to a volunteer firefighter savings account. Finance

**H-5030      VOLUNTEER FIREFIGHTING AND RESCUE SERVICES** (Gorham & Long) This act would prevent the state, any city or town or any labor organization from restricting any employee or member from engaging in volunteer firefighting or rescue services. Corporations

**H-5032      VOLUNTEER FIREFIGHTER TRAINING CREDIT** (Gorham & Long) This act would provide a tax credit for employers who allow employees time off for volunteer firefighter training. Finance

**H-5048 ELECTRONIC DEVICES** (Kilmartin) This act would make unlawful the operation of nonhands-free mobile telephones while driving a motor vehicle or a bicycle. Corporations

**H-5049 INATTENTIVE DRIVING** (Kilmartin) This act would create a motor vehicle offense, inattentive driving, punishable by a \$50.00 fine. Corporations

**H-5052 DOMESTIC ASSAULT** (Giannini & Others) This act would add the surrender of all firearms in a person's possession, care, custody, or control to the local police department to the list of protective orders pursuant to a complaint filed due to domestic abuse. Judiciary

**H-5053 DOMESTIC ABUSE** (Giannini & Others) This act would add the surrender of all firearms in a person's possession, care, custody, or control to the local police department to the list of protective orders pursuant to a complaint filed due to domestic abuse. Judiciary

**H-5055 NURSING HOME PATIENTS** (Palumbo & Others) This act would require nursing home administrators to report abuse of residents to the state police or the police department of the municipality where the abuse occurred. H.E.W.

**H-5058 WEAPONS** (Palumbo) This act would make it possible to transport pistols or revolvers within the state as long as the ammunition is transported in a different location within the vehicle not readily accessible from the passenger compartment. Judiciary

**H-5069 USE OF CELL PHONES** (Kilmartin) This act would prohibit the use of cell phones by minors during the operation of a motor vehicle. Corporations

**H-5109 MOTOR VEHICLE OFFENSES** (McNamara & Long) This act would allow a peace officer to request a search warrant which would allow the taking of blood, breath or urine, or perform a chemical test if probable cause exists to believe that an individual has been driving under the influence of intoxicating liquor or narcotics. Judiciary

**H-5119 LAW ENFORCEMENT CANDIDATES** (Shanley & Others) This act would require a minimum of 60 credit hours from an accredited college or university and/or 2 years equivalent experience in law enforcement or the military as a prerequisite for enrollment in the state or municipal police training academies. Judiciary

**H-5147 DRIVING UNDER THE INFLUENCE** (Schadone & Others) This act would make it a felony for anyone to operate a motor vehicle while under the influence with a person under the age of 16. Judiciary

**H-5148 UNATTENDED CHILDREN IN MOTOR VEHICLES** (Schadone & Others) This act would make the abandonment of a child 5 years of age or younger in any unattended motor vehicle a misdemeanor. Judiciary



**H-5152      ASSAULTS** (Schadone & Others) This act would raise the age of a child assault victim from 10 years to 16 years of age or younger. Judiciary

**H-5153      FETAL PROTECTION ACT** (Schadone & Others) This act would establish the Fetal Protection Act. Judiciary

**H-5165      TRAFFIC CONTROL SYSTEMS** (Mumford & Davey) This act would establish use of traffic control monitoring systems on state highways and be known as the "Rhode Island Red Light Running Act of 2005". Judiciary

**H-5194      SEARCH WARRANTS** (Brien & Others) This act would authorize the use of search warrants to obtain items, samples, exemplars, including, but not limited to, bodily tissue, fluids or other bodily substances from the body of a person. Judiciary

**H-5203      UNINSURED MOTOR VEHICLES** (Brien & Others) This act would require notice by motor vehicle insurance carriers to the registry prior to the cancellation of motor vehicle insurance. It would also require uninsured vehicles be towed from the scene of a motor vehicle stop and impounded until proof of valid insurance is provided. Corporations

**H-5220      TRAFFIC OFFENSES** (McNamara & Others) This act would fund comprehensive in-state services for individuals with traumatic brain injury by assessing a mandatory additional penalty of an additional \$10 for all speeding violations, and would increase the membership of the permanent advisory commission on traumatic brain injuries. Finance

**S-59          DEFIBRILLATORS** (Polisena & Others) This act would mandate that the Department of Health purchase and distribute automated external defibrillators to municipally operated senior citizen centers, and to provide training in cardiopulmonary resuscitation and automated external defibrillator use. Finance

**S-69          WEAPONS** (Polisena & Damiani) This act would provide that a person possessing a license or permit for a concealed pistol or revolver, issued by another state which grants Rhode Island residents reciprocity with respect to concealed pistol permits, would be considered to have a valid concealed pistol permit in Rhode Island. Judiciary

**S-83          THERMAL IMAGING DEVICES** (Blais & Polisena) This act would establish a fire safety equipment acquisition fund for the acquisition of thermal imaging devices. Finance

**S-91          CRIMINAL RECORDS CHECK** (Blais) This act would require the Bureau of Criminal Identification to pay for all costs of criminal background checks required for day care workers. Judiciary

**S-105      POSSESSION OF BEVERAGE BY UNDERAGE PERSONS** (Montalbano)  
This act would permit a court to issue an order suspending or revoking an individual's driving license in cases where an underage person possesses alcoholic beverages, and that offense occurs within a motor vehicle. Judiciary

**S-114      TRAFFIC OFFENSES** (Blais & Others) This act would fund comprehensive in-state services for individuals with traumatic brain injury by assessing an additional penalty of an additional \$10 for all speeding violations, and would increase the membership of the permanent advisory commission on traumatic brain injuries. Finance

**S-116      DEFIBRILLATORS** (Felag & Others) This act would mandate that the Department of Health purchase and distribute automated external defibrillators to public high schools and to provide training in cardiopulmonary resuscitation and automated external defibrillator use. Finance

**S-119      ANNUITIES TO DEPENDENTS** (Tassoni & Others) This act would increase deceased fire fighters' annuities. Finance

**S-130      NFPA 1500** (Lanzi & Others) This act would establish a NFPA 1500 Implementation Plan Review Committee, and would also provide penalties for the failure by a fire department to provide a written plan to implement the requirements of NFPA 1500. Labor

**S-146      ONE-TIME DEATH BENEFIT** (Perry & Others) This act would provide that a surviving domestic partner of a deceased police officer, correctional officer or firefighter would be included in the definition of the word "family" for purposes of this section, and thus would be entitled to a one-time death benefit, and would further define a domestic partner for purposes of this act. Finance

## **RETIREMENT**

**H-5064      TEACHERS' RETIREMENT** (Kilmartin & Moura) This act would allow teachers to purchase an additional 5 years of service. Finance

**H-5130      SERVICE ALLOWANCE** (Faria) This act would reduce the number of years needed to vest in the state retirement system from 10 to 5 years. Finance

**H-5136      POST RETIREMENT EMPLOYMENT** (Winfield) This act would provide that any compensation received by a retired member for academic advising and/or coaching shall not be included in the calculation of "part-time" gross pay with respect to post retirement employment. Finance

**H-5171      POST RETIREMENT EMPLOYMENT** (Winfield) This act would exempt retired members, who are reemployed for purposes of athletic coaching of students, from the \$12,000 cap on gross annual income without forfeiture or reduction of any retirement benefit. Finance

**H-5192      ACCIDENTAL DISABILITY** (Brien & Others) This act would require the applicant for retirement for accidental disability to file the application within 5 ½ years of the occurrence that caused the injury. Labor

**S-84          ACCIDENTAL DISABILITY** (Doyle & Others) This act would require the applicant for disability to file the application within 6 years of the occurrence that caused the injury. Finance

**S-85          DISABILITY BENEFITS** (Tassoni & Others) This act would increase from 100% to 150% the amount of wages a person receiving disability retirement benefits earns in another occupation in the calculation of the amount of the retirement benefits. Finance

**S-86          POST RETIREMENT EMPLOYMENT** (Badeau & McBurney) This act would permit members in the state retirement system who have retired from municipal employment to obtain post-retirement employment with the state without a suspension of retirement benefits. Finance

**S-118      DISABILITY PENSIONS** (Tassoni & Others) This act would require cities and towns to continue medical coverage after a disability pension is granted. Finance

**S-121      RETIREMENT FOR ACCIDENTAL DISABILITY** (Ciccone & Others) This act would change the application process for disability benefits for police and fire personnel. Finance

## **TOWN AND CITY CLERKS**

**H-5190 HUNTING AND FISHING LICENSES** (Moffitt & Others) This resolution would create a 9-member special legislative commission which purpose it would be to study the laws and regulations relating to hunting and fishing in Rhode Island, and the licensing to participate therein. Environment & Natural Resources

**H-5196 PUBLIC RECORDS** (Davey & Others) This act would require all public bodies to post copies of their collective bargaining agreements on either their website or the website of the State Department of Labor and Training. Judiciary

## **MISCELLANEOUS**

**H-5020 SMOKING IN PUBLIC PLACES** (Faria) This act would amend the Public Health and Workplace Safety Act so as to permit smoking in bars where no food is served. Labor

**H-5047 NONRESIDENT LANDLORD** (Kilmartin) This act would remove the sanction of abatement of a tenant's obligation to pay rent to a nonresident landlord who fails to designate a Rhode Island agent for service of process. Judiciary

**H-5059 ANIMAL CARE** (Palumbo & Others) This act would establish a fund for the spaying and neutering of cats and dogs, and would provide funds from contributions from a check-off on the Rhode Island personal income tax form. Finance

**H-5087 TREE WARDENS** (Loughlin & Others) This act would increase the distance to 20 feet the authorization to plant, trim or care for shrubs or shade trees for the purpose of shading or ornamenting on land adjoining any public highway or grounds. Environment & Natural Resources

**H-5117 CAUSES OF ACTION** (Anguilla & Others) This act would provide a cause of action for violations of the Rhode Island Constitution. Judiciary

**H-5118 OPEN MEETINGS** (McHugh) This act would define "individual" in the Open Meetings Act to include any persons who are residents or nonresident owners of property over which a public body has supervision, control and jurisdiction or advisory power. Judiciary

**H-5173 CONSERVATION PROJECTS** (McNamara & Others) This act would authorize the Department of Corrections to enter into agreements with public agencies in order to allow inmates to provide labor on conservation projects. Finance

**H-5175 HOUSING RESOURCES** (Fox & Others) This act would establish and fund the neighborhood opportunities program to address the housing and revitalization needs of the state's deteriorating neighborhoods. Finance

**S-3 HIGHWAY ADVERTISING SIGNS** (Ciccone & Others) This act would expand the law on injuries to highway advertising signs to include those signs on public property. Judiciary

**S-44 RECORDING DEVICES** (Montalbano) This act would make the unlawful operation of a recording device in a motion picture theater a misdemeanor. Judiciary

**S-88 EMINENT DOMAIN** (Tassoni & Others) This act would provide that transfer to a private entity of property condemned by eminent domain constitutes a public use only under certain circumstances. Judiciary

**S-122 PLAYGROUND SAFETY** (Blais) This act would provide grants to cities and towns for projects undertaken specifically to comply with the Department of Education's and Department of Health's joint health and environment recreational facility safety regulations and/or to provide access for people with disabilities. Finance

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